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International Court of Justice

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

10 July 1946

COMMISSIONER:

Mr. George R. Taylor

CORPS OF POLITICAL LEADERS

(The Commission convened at 1015 Hours)

DR. RUDOLF KUEHN, a witness, took the stand and testified as follows:

MR. TAYLOR: Will the witness stand and please state his name.

THE WITNESS: Rudolf Kuehn.

MR. TAYLOR: Will you repeat this oath after me?

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

MR. TAYLOR: You may sit down. Are you ready to proceed with the witness, Dr. Nath?

DR. NATH: Yes sir.

DIRECT EXAMINATION

BY DR. NATH (Defense Counsel for the Corps of Political Leaders)

Q. Witness, you are a professional lawyer - at last you were Oberlandesgerichtsrat, meaning high counsel of the law court, and you have been active in this profession for 15 years. Today you are 42 years old. Is that correct?

A. Yes, that is correct.

Q. When did you enter the Nazi Party, and what were your reasons?

A. I entered the Nazi Party on May 1, 1933. At that time it was my conviction

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that Hitler might succeed in over-perching the internal difficulties and differences between the Parties and the economical doom of Germany.

Q. From what moment until when have you been a Blockleiter and where?

A. From 1933 to 1935, I was a Blockleiter in Rostock, and from 1935 to 1945, I was a Blockleiter in Berlin.

Q. Can you state that your personal knowledge and your knowledge of your local conditions enable you to give us some information as to a large circle of Block and Zellenleiters?

A. Yes, I should be able to give information on from 150 to 200 Block and Zellenbeiters.

Q. What was the reason for you to be entrusted with the tasks of Blockleiter?

A. In autumn 1933, the Block trustee of Rostock came to see me and told me that as a so-called Mazgefallener, meaning a person who had entered the ranks of the Party only after March 1933, I should have to take an active part in Party work.

Q. I would now like to discuss with you the term - Political Leader. Have you been officially appointed Political Leader by the Kreisleiter - leader of a department - the concern of whom it was, according to the Organization Charter. I refer to Organization Charter, 1940, page #20, line #3.

A. No, there has been no official appointment by the Kreisleiter.

Q. In spite of your havingbeen in charge of the Amt Blockleiter from 1933 until 1945, you had not been officially appointed?

A. Yes.

Q. What were the requirements for the appointment of a Political Leader?

A. First of all there was a probation period of at least three months, but those three months were merely theoretical, because generally the period lasted much longer. The second condition was that proof could be furnished of Aryanization

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descent as from 1800. I have never brought forth the proof of my Aryan descent from 1800, and that is why I have never been officially appointed Political Leader. I have never received, therefore, the definite identification card as Political Leader. In the sense of the Party termology, I have therefore never been properly a Political Leader, but only a would-be Political Leader.

Q. Is that the case too for a large number of other~~x~~ Blockleiters?

A. Yes, that should be the same for 80 to 90% of all Blockleiters.

Q. Could a Party member have refused cooperation by taking over a Party Amt and if he had done so, should there have been any consequences?

A. Each Party member was under the obligation to take charge of a Party office. If he should refuse to do so, without bringing forth sufficient proof and sufficient reasons, he should have been expelled from the Party.

Q. Does the Commission grant me permission to have document entered in the record which concerns a judgment of the Party Tribunal - a judgment according to which a Party member was expelled from the Party, because of having refused a Party Amt. It was a judgment by the department Tribunal of Regensburg, under the sign of 3144. The reasons that are given for this judgment contain the following words: Party member, Haas, has been charged with refusing to take an active part in the Party work. Because he refused in spite of the repeated summons by the group chief, refused to take over the domestic files of the Party, the defendant has stated that he was much taken with official matters and that in his free time he played music and that he wanted to give music lessons to his children. Furthermore the judgment states - in spite of what was told to him during the trial, the defendant has repeatedly refused to take over the proposed activities and did so in the manner which is entirely uncomphrensible and which merits strict disapproval. May I quote verbally: "This picture shows the defendant as a man who thinks that if he fulfills his official duties and which is

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according to his own views, he does enough as to his duty towards the German people. His so-called idealism leaves him time enough to go about his hobbies, but this idealism does not concern his activities in the Party, the well being of the Party and the development of necessity of today. It is therefore only a normal consequence that the Party itself have no interests in thebelonging to the Party of this man. According to the demand of the prosecution, the Tribunal has therefore the expelling of this man from this Party." Regensberg, October 6, 1944. The defendant has appealed against this judgment at the Gau Tribunal at Bayreuth. The trial at the Gau Bayreuth - second trial - March 3, 1945, has brought about the following change in the first form. The defendant was not expelled, but merely discharged from the Party. I quote the important part of the judgment in the second instance. In compliance with decree #15 of the chief of the Party Chancellory, there is an obligation to fulfill duties involved for each Party member. The bitterness of this struggle asks for unconditional sacrifice of the person by each Party member. He who is unable to do so and cannot fulfill the higher and greater duties prescribed by the NSDAP is only charged alone to the Party. The defendant who furthermore is only a young member of the movement and can show no merits has therefore to be evicted from the NSDAP. It has been stated furthermore that as a difference from the explusion of the Party, discharge was no punishment. I have asked the General Secretary to have this document, which has the number PL-8, translated, because of the work of the translation division, I have unfortunately not been able to have this document translated into French and English. I hope we will be able to make these translations available to the prosecution and to the Tribunal within a short time. I continue - Witness, as you have been a Blockleiter in Rostock and for several years in Berlin too, you have a good view as to the tasks of the Block and Zellenleiters with regard to two different parts of the German Reich. Will you

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please in some short sentences give an account of the tasks of a Blockleiter?

A. The main tasks of the Blockleiter were the following: first of all he had to collect the contributions of the Party members living in his district. Second, tohand propaganda material out whichhad been handed over to him by the Ortsgruppe. Third, the sale of tickets of posts for doors and of booklets. Fourth, he had to establish a file of all persons living in his district - this was mainly for statistical reasons. Furthermore the Blockleiter had often to deal with general collections, as for instance for the winter help fund and for the collection of waste paper. The average Berlin inhabitant has very characteristically called the Blockleiter a dog that is always about the staircase, because he is a messenger of the Party and he had always to go up stairs and downstairs again and again.

Q. According to this statement the tasks and the rights of a Blockleiter were very insignificant and of a subordinate character. The prosecution has, however, stated that the Blockleiters were especially cap able of politically influencing and politically supervising the people. What are the facts in this regard?

A. The Blockleiters were not capable of influencing and of supervising the people in a political way. They mainly consisted of small administration employees and handicraft. They had no more knowledge as to the aims of the Party leaders as had all Party members and the entire German people. They had no other information as to these aims as had the whole people and even foreign countries. Therefore, political approaches have not been the concern of the Block and Zellenleiters, but of the Ortsgruppen, and speech orators have been placed at the disposal of the group for that reason. Our Ortsgruppenleiter, for instance, had strictly forbidden that we should publish any announcement - not even an invitation for an assembly, because they did not trust us as far as those publications

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were concerned and did not think we were capable of handing out of proper announcements. If we were not trusted with those publiations, we were even less trusted in regard to the influencing of the people in a political sense.

Q. Witness, will you please answer to another charge of the prosecution, according towhich the police were represented in the Hitler-Germany by the Blockleiters. The Blockleiters had been, in face, the small leaders with regard to establishing power over the citizens of their districts. Is that correct?

A. There can be no such statement. The connection of the Blockleiter with the German population was very different in different localities - in the cities especially the large cities, the connection was very weak. I, for instance, who have been a Blockleiter for several years in the same district have not even personally known part of the citizens of my district. Nobody has seen in my a Party official who had special powers. In my Block district, it happened that a man was tried and sentenced for high treason. No Party office and no Governmentoffice had even the idea to let me not know about this. There can be no clearer proof as to having not been considered as officials of the police.

Q. Had the Blockleiters the duty to establish political certificates?

A. No, this was the duty of the Ortsgruppenleiter or of the Kreisleiter, but it is true that in such cases we had to furnish certain information upon requirements. For instance, with regard to the personal and family conditions of the person who was concerned. We had furthermore to give an opinion of whether this demand xxx concerned had shown special political action to one side or the other to our knowledge, but it was not our duty to spy on him in a political way. We only had to hand over the information we had received throughother sources.

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Q. In the Organization Book Charter of organization document 1893 P.S. one can read on page 101, the Blockleiter has to establish who is spreading out rumors and has to name this person to the Ortsgruppe in order to have the State office informed about this. Have the Blockleiters had any order from their superiors or from other offices of the Party to spy on the inhabitants of their Blocks and to give notice of these persons, as has been charged by the prosecution with regard to the Organization Charter?

A. No, on the contrary, we had orders that if we had knowledge of somebody spreading out rumors which were damaging the good name of the Party, we should not immediately make a long story of this, but we should rather try to clam down these rumors.

Q. As an expert in the Ministry of Justice, you had knowledge of trials against persons who had spread out rumors or who had uttered anything about the leaders of the State and the Party. Were these trials mainly on the basis of notices given by the Blockleiters?

A. It is true that we had a large view in the Ministry of Justice, as far as those trials are concerned. Those trials generally were started, because the laborer or fellow worker had denounced the person in question. Often foreigners had heard in some public establishment or in some public vehicle these expressions--the words against the Government. Only in very rare cases, the Blockleiter had denounced the person and started the trial by doing so. I ~~xxxx~~ cannot recall one single case of the Blockleiter having spied upon a person and then denounced them .

Q. Is it correct that the Block and Zellenleiter had at regular intervals to give a report on the mood of the population and what sort of reports were dealt with? Have you had knowledge that in these reports names of individuals were stated?

A. It was/not the Blockleiter, but the Zellenleiter who had tomake this report

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once a month, but I can give information on this subject, because I had to deal with those reports during a certain period of time for my Zellenleiter. The aim of these reports was to inform the Party leaders as to the general political mood of the population and their reaction as topolitical measures taken by those dealers. We were to report the knowledge we had got by being in the shop or similar occasions. It was not the aim of these reports to denounce individual citizens. We have used those reports just to have a certain critic against the Party organs - critic coming from our superiors, as forinstance by ~~xxxxxxxxxxxx~~ stating that there were too many assemblies, because the population was too tired. There was no reaction in the population as tothe voice and conception ofthe radio report made by Fritsch or that there should be a better fighting against the black market.

Q. I now want to discuss another question with you. In the Organization Charter, which the prosecution has submitted, the Block and Zellenleiters are called Hoheitstragers, which means sovereign officials, which had a district under their sovereignty, meaning the Zellenleiters or the Blockleiters - for this trial it can be relevant only whether in practice the Block and Zellenleiters had the rights of a Hoheitstrager, and in the fact that the Blockleiters and Zellenleiters were thus named in the Organization Charter established by Ley. Will you please tell us first, witness, what was your opinion and the opinion of Block and Zellenleiters known toyou with regard to this term Hoheitstrager?

A. First of all I want to stress the point that if it was known tous that there existed an Organization Charter, we never had any knowledge as to its contents. In practice anyway this Organization Charter was of no importance. As to the term of Hoheitstrager and its meaning, the Block and Zellenleiters which I knew scarcely never even gave it a thought. Many Blockleiters did not even know that they were called a Hoheitstrager and to be distinguished from other Political Leaders. As for me, I have always been of the opinion that the term

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Hoheitstrager could at least not be applied to the Block and Zellenleiters, because it was ~~xx~~ established beyond all doubt that the Zellenleiter and Blockleiter had no sovereign rights whatsoever, as well as in the sense of politics, as well as in the State and of administration. In this connection they had no more rights than any Party member or citizen. The term Hoheitstrager could only lead to errors as far as the Block and Zellenleiters were concerned.

Q. ~~Im~~ I to understand then that practically the Block and Zellenleiters could not give any definite orders?

A. Yes, we had no right to give any definite orders. If we had done so, we would have immediately been reprimanded from the Ortsgruppenleiter.

Q. Who ~~Xxx~~, in your opinion, exerted soverign rights and may therefore be called Hoheitstrager?

A. In my opinion no Political Leader exerted sovereign rights as far as State measures are concerned, but if the word is to be taken by the meaning which I think it should have had that is that the Political Leader was to represent the Party, and to deal with State organs from the Party, then one may call a Gauleiter, perhaps a Kreisleiter and to a certain extent an Ortsgruppenleiter may be called Hoheitstrager, but no means the Zellenleiter or Blockleiter may be called a Hoheitstrager.

Q. I want to discuss with you now several important points of the act of the prosecution, and I want you to express your opinion as tothem. One of these points is a statement by the prosecution that the Corps of Political Leaders had planned or had joined conspiracy which was meant to execute a common plan of conspiracy, leading to crimes against peace, crimes against ~~xxx~~ rules and customs of war, and crimes against humanity. First a preliminary question. Witness, according to your knowledge of the actual facts, could noe speak of a separate organization within the Party, called the Corps of Political Leaders and which should have been formed by the Political Leaders of the Party?

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A. No, in reality, the Political Leaders did not constitute an organization in itself; that is, a separate one with separate aims,,as for ~~xxxxxxx~~ instance, the SA or the SS. They were merely officials of an organization, namely, the NSDAP in itself. Furthermore they did not volunteer to be Political Leaders, but they were appointed.When a Block or Zellenleiter moved from his district, he stopped being a Political Leader without leaving an organization. Therefore, from a legal point of view the Corps of Political Leaders has never been recognized as a separate organization. In the so-called Heimtueckgesetz of ~~xxxxxxxxxxxx~~ December 20, 1934, the NSDAP and organizations affiliated with them were ~~xx~~ separate protected works, such as the SA, SS, SD and DAF, but the Corps of Political Leaders was not especially protected, because these Political Leaders were not an organization for themselves, but were only officials of an organization, namely, the NSDAP.

Q. Will you please give an opinion now as to whether the officials inside the NSDAP took part in a common plan or conspiracy in order to commit or execute such a plan as crimes against peace? Will you give special concern to the Blockleiters and Zellenleiters?

A. One has to have an entirely wrong idea of the conditions in Germany of that period, if one was to accuse the Block and Zellenleiters and Political Leaders of their standing or having known of the plan for an aggressive war.

MR. TAYLOR: Dr. Nath, pardon me. Don't you think that this witness is going a little too far in detail with his answers. We are going to have some cross examination and the Commission granted only three hours for each witness.

DR. NATH: I'll be through within the granted time. I have only a few questions to put to the witness, but I want to just clear those questions entirely.

MR. TAYLOR: I don't want to rush you, but I do want us to stay within that time, if we can.

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Q. If I have understood you correctly, you say there was no common plan in order to commit crimes, and the Block and Zellenleiters had no knowledge of such a plan?

A. Yes, I'm entirely of this opinion. I think that just against those smaller Political Leaders there can be no reproach of that character.

Q. Are you of the same opinion too with regard to the conspiracy?

A. Yes, because it is a condition for conspiracy that its aims are kept secret, but we have not kept are aims secret and we did not want to execute those aims by force or by false pretenses. If the supreme command had such aims which they wanted to keep secret, those aims were not known to us, and we cannot be made responsible for them.

Q. In his basic speech, the American main prosecutor, Justice Jackson, makes a difference between two parts of the conspiracy, divided by date of January 13, 1933. In the first part the conspirators are charged with having in the Party program made a plan of which they are well aware that it could only be executed by War. The second part of the conspiracy, they were said to have strengthened their power by crushing the trade uniosn, fighting the church and exterminating the Jews. After the taking of power of the Nazi Party, there is said to have been an official government and a real government. The real government is said to have been out of the law, and above the law, and was based on the leadership corps of the Party. Witness will you please give us your opinion, as Block and Zellenleiter, as to the allegation of the prosecutor?

A. The Block and Zellenleiter cannot be accused of these things. The smaller political leaders were not really leaders, but were merely led. Most of the Block-leiters and Zellenleiters, with few exceptions, only joined the Party after the coming into power. One should make a clear distinction between those newly joined members whichhave often been called by old Party members in public as "Mazgefallene", and the real leadership corps which consisted of old Party members and higher

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Party officials. The great majority of the Block and Zellenleiters could not have taken any part in the first part of the conspiracy mentioned by Mr. Justice Jackson in his statement - most of them had entered the Party only after the coming into power and were even before that ~~xixxaf~~ date often in the enemy camp. In the second part of the conspiracy, the Block and Zellenleiters had no part whatever either in the official government nor in the real government. On the contrary, the Blockleiters and Zellenleiters in their great majority belonged to that category of Party members of whichthe Prosecutor has said that they had come into the hands of criminals and had been used by those criminals. They had no part in the crushing of the trade ~~xxixxx~~ unions, no part either in the persecution of the church, and no part finally in the extermination of the Jews. On the contrary those measures were kept secret from them as well as they were from the greatest part of the population and Party members.

Q. The following document shows how little the Blockleiters and Zellenleiters were trusted by the Party leaders with respect to their political opinion, which I want to have inserted into the record with permission of the Commission. The document is only a very short one and ~~xx~~ has our number PL-9. I have taken it from regulations form of the NSDAP #4; it deals with an announcement of the year 1940, and deals with the demands of/~~Exixxx~~ Verordnungsblaff which were rules granted by the Government for newly married couples. Announcement #45/1940. The decree of the Reich Ministry of Finance from May 6, 1940 was announced. In this decree one can read the following - in the case of demands for granting Erlass, it is always necessary to get information as to the political security of the demander. Page #2 of the document states that with regard to the certain~~xxixxxx~~l circle of people it is not necessary to give information as to their political standing. On page #2 of the document you will find a list of such persons for which there was no necessity of a special political certificate. Under #4, Ortsgruppen-

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leiter and Stuetzpunktleiter are mentioned. For them it is sufficient to have a certificate stating that they are Ortsgruppenleiters. One can see from this document that Blockleiters and Zellenleiters did not need a special political certificate for this.

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DR RUDOLF KUEHN - Continuing

DIRECT EXAMINATION

POLITICAL LEADERS

COMMISSIONER:

George R. Taylor

BY DR NATH:

Q In your answer which was very explicit you have already answered to a certain number of questions which I intended to put to you. As far as questions on the Party program, the persecution of the church, the crushing of trade unions are concerned. I therefore think that I can consider your answer as sufficient because you have already stated according to your experience as Blockleiter, which you have been from 1933 until 1945; that there was no part taken, and no responsibility of the Blockleiter and Zellenleiter in this regard. Therefore, I want to ask you only one more question dealing with the persecution of the Jews.

You have been a Blockleiter in Berlin. You certainly remember that during the night of November 9th November 10th of1939, there were pogroms in Berlin during which synagogues have been set on fire, and Jewish shops have been smashed, Jewish citizens have been arrested,

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and later deported to Concentration Camps. The prosecution has submitted in this trial documents which prove that this action has been organized by the Gestapo.

Were the political leaders, especially the Block and Zellenleiters previously informed of this action, and did they have orders to take part in this action?

A No, at least not in Berlin, in the District I was in charge of.

Q How have you been informed of the events of that night?

A On the next morning we were as surprised as the whole of the population. We have not approved either these measures, and I remember they talked the matter over with several Blockleiters and we had come to the conclusion that if we had been asked to do so we still would not have taken part in these measures.

Q I have now a final question. One final question. Had the Block and Zellenleiters anything to do with the treatment of foreign workers engaged in work in Germany, and of POWs?

A No, I had nothing, never anything to do with these matters.

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THE COMMISSIONER:

Proceed, now, with the cross-examination of the witness.

COL GRIFFITH-JONES:

Q I understood you to say that a Blockleiter was generally recognized in Berlin as a dog who was always running around the staircase - as I understood the expression.

A Yes, the fact is that the Blockleiter was considered to be a dog which runs up and down a staircase. Yes, sir.

Q Is that because the Blockleiter was always smelling around everybody's house trying to find out what was going on?

A No. Not because of that, but because as a messenger of the Party he had to run up and down the stairs.

Q You told us that they were not trusted even to announce political assemblies.

A Yes. We were expressly prohibited from formulating written invitations.

Q But they were trusted sufficiently, were they not, to assist the Ortsgruppenleiter in forming political judgments on the people in their districts?

A Yes, insofar as factual data were concerned in the reports; the political evaluation itself was up to

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the Ortsgruppenleiter.

Q "hat do you mean by factual report?

A These reports concerned themselves with his family situation, his economic situation, and whether he had become noticeable in political respects, in one way or the other.

Q Yes, they were to concern themselves with such things as this, were they not: whether people subscribed to the Voelkischer Beobachter. That was one of the things, was it not -- factual?

A This data were more of a statistical nature.

Q Well, I don't mind whether you call them statistical or factual. That was one of the things the Blockleiter was to report, or find out about, was it not?

A Yes.

Q And whether the family possessed the Swastika flag, for the year 1935 Flag Law?

A We could not have made any report regarding that because we did not know.

Q But that was one of the things you were to find out by smelling around, was it not?

A No, we were not supposed to smell out anything. We were to report what we actually knew.

Q Will you look at this Document D-901A. You see, that was a circular issued by the Gauleiter of

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Cologne dated January 1941 giving instructions for the filling up of the index cards that had to be kept. Would you look at paragraph 10, second paragraph under that heading. It sets out the material that is to be inquired into. You see, that it is said, that it is to be reported - the Voelkischer Beobachter (?) (this was a certain publication; but it may well be some other name than the one the reporter has written here) should be subscribed, whether the family really possessed the Swastika Flag before the 1935 Flag Law. Didn't you have to do that in Berlin just the same as they did that in Cologne?

A If we knew these facts we filled them in. If we did not know them, we put in "unknown".

Q Yes, we will come to that in a moment. Another thing you had to find out was what wireless apparatus was available in the house.

A We did not need to give any information on that in Berlin.

Q What could have been the purpose of the Blockleiters having to find that out in Berlin?

A I cannot give any information on that.

Q Well, now, just look and see what you had to do about finding these things out. You see, it says (looking on at the document; and the witness also looking on at the same document before him), it says it is

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easy to obtain this data by a Blockleiter from the Germans concerned; is that what you were to do - to enter into conversations with Germans in order to find out about their private affairs?

A Regarding the family and economic situation of the citizens we had to inform ourselves and put them into this household index.

Q And that is the method that was to be employed, was it not? Getting into conversation with them, and finding out without letting them know?

A No, we went there and we said that we needed this data for our statistical reports.

Q We will come on to whether it is statistical, in a moment. Let us deal with one thing at a time. And at the present moment I am dealing with the methods employed by Block and Zellenleiters to obtain the information which the Party required.

It was the task of t he Blockleiter, was it not, to find out that information by entering into conversations with Germans without their knowledge?

A No. The data for the household dex were given to us in direct conversation with the individuals concerned.

Q Will you look at paragraph 14 of that document? You will see it written there. It is prohibited on

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principle to give Germans and Party members lists or index cards to fill in themselves. Owing to their frequent visits to the individual households the Block-leters have sufficient opportunity to obtain the required information to be put in the index by means of these conversations with the Germans.

Doesn't that mean that you are to obtain this information by calling on, by frequently calling on them, running up and down their staircases and entering into conversation with them without their knowing the purpose of the conversation?

A I have stated before that in the large cities the relationship between the Blockleiter toward the residents of their block was a very loose one. Thus, I had to depend upon my asking the individual concerned himself about it, since I did not know of my own knowledge.

Q Well, now, let's deal with the purpose of these cards. Will you look back to paragraph 12 of those instructions? You see it written there: The political judgment of every German is to be carried out by the Ortsgruppen organizations leiter, in cooperation with competent Block and Zellenleiters, as well as in agreement with the Ortsgruppenleiters. It is not true, is it, that the Blockleiter was nothing more than a messenger boy?

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A But it is true that the political evaluation was the competency of the Ortsgruppenleiter only, and all we had to do was furnish the necessary data.

Q And you were sufficiently trusted to give your views on it, were you not? The Ortsgruppenleiter has to cooperate with you, informing his political judgment?

A This is the way it was. We did not personally confer with the Ortsgruppen~~leiter~~ organizations leiter, or the Ortsgruppenleiter, but we received a form which we had to fill in.

Q There was another task, was there not, that the Blockleiters had to perform? And that was to report people who were opposed to the policies of the Nazi Party?

A We did not have to do any informing in that direction, or acting as informer in that direction.

Q Whether or not you had instructions to do so - Blockleiters, it is an actual fact, did -- did they not?

A I do not know of any such informer activity on the part of the Blockleiter and our circles would have rejected that.

Q Well, now, let's take one example -- I think it is attached to that Document, D 901, I think it is in front (speaking to the interpreter, who keeps turning

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the pages of the document for the benefit of the witness.) Will you look at the first letter, which is reproduced on that page, number 1, which you see is a letter from the Ortsgruppenleiter of Darmstadt dated 20 February 1939, which says this is the caretaker of the communal building of the Martin Congregation, Blockleiter Party member Keil informs me that the meetings of the confessional front are gain taking place at the Martin Institute, Muellerstrasse, Ortsgruppe Gutenberg, the public being excluded.

Now, on that, first of all. If the Blockleiter is only a messenger boy, what is he doing reporting that meetings of the confessional front are taking place?

A We did not report on any assemblies of the Bekenntnisfront.

Q That is, of course, in Berlin?

A Yes, and in Austria.

Q With your experience I want you to tell me, what concern was it of the Blockleiter whether or not meetings of the Confessional Front were taking place?

A In my opinion that was none of the concern of the Blockleiter.

Q Then why should he have been doing it?

A Well, in our circles the Blockleiter did not do such a thing, and I want to point out here that our circles included confessional as well as God-believing

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Christians, so that they were not fitted for that thing at all.

Q If a Blockleiter does report somebody for being opposed to the Nazi policy, what happens to that person?

A I have never heard of such a general report. There should have been more definite matters, such as somebody may have made some remarks hostile to the State.

Q Well, now what happens if someone makes a remark hostile to the State?

A If somebody does make a remark hostile to the State a penal procedure is taken against him.

Q What do you call the usual penal procedure? Does that mean that the SA put them inside a concentral camp?

A No, that means that a State Judicial procedure is taken against him.

Q Let us take this other case which we were considering just now. What do you suppose happened -- what would be the normal thing to happen after the Blockleiter Keil had reported that meetings of the confessional front were taking place. Would penal proceedings be taken against the Pastor or whoever was responsible for those meetings?

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A On the basis of this report, no, but it may be that he has transgressed against the prohibition of meeting law or against other paragraphs of the penal code.

Q Well, now, it says the only complaint is that meetings of the confessional front are again taking place.

(And here the witness examines the document which is still before him.)

A This missive does not contain anything indicating that the Blockleiter was instructed to supervise meetings, or report them.

Q Well, now, that is not what I asked you. We can deal with that in a moment. I asked you what was going to happen as a result of that report?

A I cannot tell that because it did not happen in our case.

Q Do you think the Gestapo and the SD would be brought in on the matter?

A I think that might be possible.

Q That was the normal thing, wasn't it, when church activities were reported as going on, the Gestapo were brought in?

A The Gestapo, anyhow, has to supervise the church activities. But that was none of the affairs of the Political Leither.

Q Well, now, will you just look down at the second letter, in that Document D901. You see, it says

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that the Ortsgruppenleiter is to bring that information in. Do you see there -- that the Ortsgruppenleiter is making a report about the confessional Pastor Strack, saying this gentleman should really be wrapped on the knuckles seriously for once?

And then, would you look at the letter which is marked -- "Comments made by the Kreisleiter". Paragraph 2 of that letter, which are his comments on the report he has received on Pastor Strack, and he writes: "I shall request the Ortsgruppenleiter Frick, who originates from Pfungstadt, to go to the Kreisleiter tomorrow and shall get him to name his witness. These will be notified to you and to the Gestapo."

Read on, will you? "The priest Strack is sufficiently well known and ripe for the concentral camp or special court."

What do you mean by coming here and telling this Commission on oath that political leiters had nothing to do with the Gestapo?

A My testimony refers to the Block and Zellenleiters. These documents do not show that the Block and Zellenleiters were commissioned with these methods.

Q If you look back at that letter, to paragraph 1, which is the Kreisleiter's comments on that report which his Blockleiter made ... and he says that "the SD, the

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Gestapo and Ortsgruppenleiters will be instructed by me.".

Now, will the Ortsgruppenleiter instructed -- do you suppose he is not going to instruct the Blockleiter in the matter?

A The document does not show that the original report emanated to the Ortsgruppenleiter from the Blockleiter. Whether he has informed the Blockleiter I cannot say. I cannot even think so because on the basis of my knowledge neither Block nor Zellenleiters were concerned with that.

Q Let's not waste time on it. So it is quite clear to you? ... Look back on that first document I showed you, and you will see that the Blockleiter is concerned. "The Blockleiter and Party member Keil informs me", says the Ortsgruppenleiter, "that meetings of the confessional front are again taking place."

(And the document is again examined by the witness.)

A This Blockleiter was the house superintendent of the Communion house. He has made report in his capacity as house superintendent -- and less in his capacity as Blockleiter.

Q What difference do you think it makes to the people responsible for that confessional front meeting when the Gestapo is called in to deal with them; what difference do you think it makes as to the official

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capacity the Blockleiter was acting in at the moment he made his report?

A What I want to say is that it was not the task of the Blockleiters generally to make such reports.

Q I want to ask you about several other matters. Were Jews ever persecuted at all in Berlin where you came from?

A Yes.

Q Were foreign laborers employed in Berlin?

A Yes.

Q Were people taken away from Berlin and put into concentration camps?

A Yes.

Q Oranienburg was 35 miles from Berlin?

A Yes, 30 miles or so from Berlin.

Q It was the Blockleiters, was it, or the Zellenleiters, who were performing the essential function in the Nazi party?

A The Block and Zellenleiters had more of an administrative, than a political function.

Q Be it ~~x~~ political or administrative, it was an essential function?

A Yes. But it is shown that exactly those special measures which the party is charged with, as destruction of trade unions, persecution of church, extermination of Jews, took place without t he participation of the

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Block and Zellenleiters.

A Yes, but you were playing, were you not, -- all you Block and Zellenleiters -- an essential part in support of the Party, who were responsible for the persecution of the Jews, the taking of people and putting them in concentration camps, and in the employment of foreign labor?

A The Party has not made use of Block and Zellenleiters particularly in these matters.

COL GRIFFITH-JONES:

No further questions.

BY COL ORLOV:

No questions.

THE COMMISSION:

Dr Nath? Any further questions?

DR NATH:

No further questions.

THE COMMISSION:

Very well. The witness ~~may~~ will be excused.

*****

Commission recesses
until 1400.

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The foregoing is a true and correct transcript of the testimony of DR. RUDOLF KUEHN, taken on 10 July 1946.

Reporter (pp 1-13

Reporter (pp 14-28

CERTIFIED TO :

Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

10 July 1946.

COMMISSIONER:
Mr. George R. Taylor

CORPS OF POLITICAL LEADERS

(The Commission convened at 1015 hours)

DR. RUDOLF KUEHN, a witness, took the stand and testifies as follows :

MR. TAYLOR: Will the witness stand and please state his name.

THE WITNESS: Rudolf Kuehn

MR. TAYLOR: Will you repeat this oath after me ?

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

MR. TAYLOR: You may sit down. Are you ready to proceed with the witness, Dr. Nath ?

DR. NATH: Yes, sir.

DIRECT EXAMINATION

BY DR. NATH: (Defense Counsel for the Corps of Political Leaders)

Q. Witness, you are a professional lawyer -at last you were Oberlandesgerichtsrat, meaning high counsel of the law court, and you have been active in this profession for 15 years. Today you are 42 years old. Is that correct?

A. Yes, that is correct.

Q. When did you enter the Nazi Party, and what were your reasons ?

A. I entered the Nazi Party on May 1, 1933. At that time it was my conviction that Hitler might succeed in over-perching the internal difficulties and difference between the Parties and the economical doom of Germany.

Q. From what moment until when have you been a Blockleiter and where ?

A. From 1933 to 1935, I was a Blockleiter in Rostock, and from 1935 to 1945 I was a Blockleiter in Berlin.

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Q. Can you state that your personal knowledge and your knowledge of your local conditions enable you to give us some information as to a large circle of Block and Zellenleiters ?

A. Yes, I should be able to give information on from 150 to 200 Block and Zellenleiters.

Q. What was the reason for you to be entrusted with the tasks of Blockleit

A. In autumn 1933, the Block trustee of Rostock came to see me and told me that as a so-called Mazgefallener, meaning a person who had entered the ranks of the Party only after March 1933, I should have to take an active part in Party work.

Q. I would now like to discuss with you the term -Political Leader. Have you been officially appointed Political Leader by the Kreisleiter -leader of a department- the concern of whom it was, according to the Organization Charter. I refer to Organization Charter, 1940, page 20 line 3.

A. No, there has been no official appointment by the Kreisleiter.

Q. In spite of your having been in charge of the Amt Blockleiter from 193 until 1945 you had not been officially appointed ?

A. Yes.

Q. What were the requirements for the appointment of a Political Leader ?

A. First of all there was a probation period of at least three months, but those three months were merely theoretical, because generally the period lasted much longer. The second condition was that proof could be furnished of Aryanization descent as from 1800. I have never brought forth the proof of my Aryan descent from 1800, and that is why I have never been officially appointed Political Leader. I have never received, therefore, the definite identification card as Political Leader. In the sense of the Party termology I have therefore never been properly a Political Leader, but only a would-be Political leader.

Q. Is that the case too for a large number of other Blockleiters ?

A. Yes, that should be the same for 80 to 90 % of all Blockleiters.

Q. Could a Party member have refused cooperation by taking over a Party Amt and if he had done so, should there have been any consequences ?

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A. Each Party member was under the obligation to take char e of a Party office. If he should refuse to do so, without bringing forth sufficient proc and sufficient reasons, he should have been expelled from the Party.

Q. Does the Commission grant me permissi on to have document entered in the record which concerns a judgment of the Party Tribunal -a judgment according to which a Party member was expelled from the Party, because of having refus a Party Amt. It was a judgment by the department Tribunal of Regensburg unde the sign of 3144. The reasons that are given for this judgment contain the following words: Party member, Haas, has been charged with refusing to take an active part in the Party work. Because he refused in spite of the repea-ted summons by the group chief, refused to take over the domestic files of the Party, the defendant has stated that he was much taken with official ma-tters and that in his free time he layed music and that he wanted to give music lessons to his children. Furthermore the judgment states -in spite of what was told to him during the trial, the defendant has repeatedly refus to take over the proposed activities and did so in the manner which is enti-rely uncomprehensible and which merits strict disapproval. May I qu te ver-bally: "This picture shows the defendant as a man wh thinks that if he fulfills his official duties and which is according to his own views, he does enough as to his duty towards the German people. His so-alled idealism leaves him time enough to go about his hobbies, but this idealism does not concern his activities in the Party, the well bein of the Party and the development of necessity of today. It is therefore only a normal consequenc that the Party itself have no interests in the belonging to the Party of thi man. According to the demand of the prosecution, the Tribunal has therefore the expelling of this man from this Party". Regensberg, October 6, 1944. The defendant has appealed against this judgment at the Gau Tribunal at Bey-reuth. The trial at the Gau Bayr th -second trial- March 3, , has brou about the following change in the first form. The defendant was not expelle but merely discharged from the Party. I quote the important part of the jud ment in the second instance. In mpliance with decree 15 of the chief of t Party Chancellory, there is an obligation to fulfill duties involved for eac Party member.

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The bitterness of this struggle asks for unconditional sacrifice of the pers by each Party member. He who is unable to do so and cannot fulfill the high and greater duties prescribed by the NSDAP is only charged alone to the Party The defendant who further more is only a young member of the movement and car show no merits has therefore to be evicted from the NSDAP. It has been state furthermore that as a difference from the expulsion of the Party, discharge was no punishment. I have asked the General Secretary to have this document which has the number PL 8 translated because of the work of the translation division, I have unfortunately not been able to have this document translate into French and English, I hope we will be able to make these translations available to the prosecution and to the Tribunal within a short time. I continue - Witness, as you have been Blockleiter in Rostock and for several years in Berlin too, you have a good view as to the tasks of the Block and Zellenleiters with regard to two different parts of the German Reich. Will you please in some short sentences give an account of the tasks of a Blocklei ter ?

A. The main tasks of the Blockleiter were the following : First of all he had to collect the contributions of the Party members living in his district. Second, to hand propaganda material out which had been handed over to him by the Ortsgruppe. Third, the sale of tickets of posts for doors and of booklet: Fourth, he had to establish a file of all persons living in his district -this was mainly for statistical reasons. Furthermore the Blockleiter had often to deal with general collecti nsk as for instance for the winter help fund and for the collection of waste paper. The average Berlin inhabitant has very characteristically called the Blockleiter a do that is always about the stair case, bacause he is a messenger of the Party and he had always to go up stairs and downstairs again and again.

Q. According to this statement the tasks and the rights of a Blockleiter were very insignificant and of a subordinate character. The prosecution has, however, stated that the Blockleiters were especially capable of politically influencing and politically supervising the people. What are the facts in thi regard ?

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A. The Blockleiters were not capable of influencing and of supervising th people in a political way. They mainly consisted of small administration employees and handicraft. They had no more knowledge as to the aims of the Party leaders as had all Party members and the entire German people. They had no other information as to these aims as had the whole peoples and even foreign countries. Therefore, political approached have not been the concer of the Block and Zellenleiters, but of the Ortsgruppen, and speech orators have been placed at the disposal of the group for that reason. Our Ortsgru penleiter, for instance, had strictly forbidden that we should publish any announcement --not even an invitation for an assembly, because they did not trust us far as those publications were concerned and did not think we were capable of handing out of proper announcements. If we were not trusted with those publiations, we were even less trusted in regard to the influencing of the people in a political sense.

Q. Witness, will you please answer to another charge of the prosecution according to which the police were represented in the Hitler-Germany by the Blockleiters. The Blockleiters had been, in face, the small leaders with regard to establishing power over the citizens of their districts. Is that correct ?

A. There can be no such statement. The connection of the Blockleiter with the German population was very different in different localities.-in the cities especially the large cities, the connection was very weak. I, for instance, who have been a Blockleiter for several years in the same district have not even personally known part of the citizens of my district. Nobody has seen in my a Party official who had special powers. In my Block district it happenedthat a man was tried and sentenced for high treason. No Party office and no government office had even the idea to let me know about this. There can be no clearer proof as to habing not been considered as officials of the police.

Q. Had the Blockleiters the duty to establish political certificates ?

A. No, this was the duty of the Ortsgruppenleiter or of the Kreisleiter, but it is true that in such cases we had to furnish certain information up requirements.

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For instance, with regard to the personal and family conditions of the perso who was concerned. We had furthermore to give an opinion of whether this de concerned had shown special political action to one-side or the other to our knowledge, but it was not our duty to spy on him in a political way.

We only had to hand over the information we had received throughother source

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Q In the Organization Book Charter of organization document 1893 P.S. one can read on page 101, the Blockleiter has to establish who is spreading out rumors and has to name this person to the Ortsgruppe in order to have the State office informed about this. Have the Blockleiters had any order from their superiors or from other offices of the Party to spy on the inhabitants of their Blocks and to give notice of these persons, as has been charged by the prosecution with regard to the Organization Charter?

A No, on the contrary, we had orders that if we had knowledge of somebody spreading out rumors which were damaging the good name of the Party, we should not immediately make a long story of this, but we should rather try to clam down these rumors.

Q As an expert in the Ministry of Justice, you had knowledge of trials against persons who had spread out rumors or who had uttered anything about the leaders of the State and the Party. Were these trials mainly on the basis of notices given by the Blockleiters?

A It is true that weha' a large view in the Ministry of Justice, as far asthose trials are concerned. Those trials generally were started, because the laborer or fellow worker had denounced the person in question. Often foreigners had heard in some public establishment or in some public vehicle those expressions -- the words against the Government. Only in very rare cases, the Blockleiter had denounced the person in question. Often foreigners had heard in some public establishment or in some public vehicle these expressions -- the words against the Government. Only in very rare cases, the Blockleiter had denounced the person and started the trial by doing so. I cannot recall one single case of the Blockleiter having spied upon a person and then denounced them.

Q Is it correct that the Block and Zellenleiter had at regular intervals to give a report on the mood of the population and what sort of reports were dealt with? Have you had knowledge that in these reports names of individuals were stated?

A It was not the Blockleiter, but the Zellenleiter who had to make this report once a month, but I can give information on this subject, because I had to deal with those reports during a certain period of time for my

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Zellenleiter. The aim of these reports was to inform the Party leaders as to the general political mood of the population and their reactions as to political measures taken by those dealers. We were to report the knowledge we had got by being in the shop or similar occasions. It was not the aim of these reports to denounce individual citizens. We have used those reports just to have a certain critic against the Party organs - critic coming from our superiors, as for instance, by stating that there were too many assemblies because the population was too tired. There was no reaction in the population as to the voice and conception of the radio report made by Fritsch or that there should be a better fighting against the black market.

I now want to discuss another question with you. In the Organization Charter, which the prosecution has submitted, the Block and Zellenleiters are called Hoheitstraegers, which means sovereign officials, which had a district under their sovereignty, meaning the Zellenleiters or the Blockleiters - for this trial it can be relevant only whether in practice the Block and Zellenleiters had the rights of a Hoheitstrager, and in the fact tha the Blockleiters and Zellenleiters were thus named in the Organization Charte established by Ley. Will you please tellus first, witness, what was your opinion and the opinion of Block and Zellenleiters known to you with regard to this term Hoheitstrager?

A. First of all I want to stress the point that if it was known to us that there existed an Organization Charter, we never had any knowledge as to its contents. In practice anyway this Organization Charter was of no importance. As to the term of Hoheitstrager and its meaning, the Block and Zellenleiters which I knew scarcely never even gave it a thought. Many Blockleiters did not even know that they were called a Hoheitstrager and to be distinguished fromother Political Leaders. As for me, I have always been of the opinion that the term Hoheitstrager could at least not be applied to the Block and Zellenleiter, because it was established beyond all doubt that the Zellenleiter and Blockleiter had no sovereign rights whatsoever, as well as in the sense of politics, as well as in the State and of administration. In this connection they had no more rights than any Party member or citizen. The term Hoheitstrager could only lead to errors as far as the Block and Zellenleiters were concerned.

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Q Am I to understand then that practically the Block and Zellenleiters could not give any definite orders?

A Yes, we had no right to give any definite orders. If we had done so, we would have immediately been reprimanded from the Ortsgruppenleiter.

Q Who, in your opinion, exerted sovereign rights and may therefore be called Hoheitstrager?

A In my opinion no Political Leader exerted sovereign rights as far as State measures are concerned, but if the word is to be taken by the meaning which I think it should have had that is, that the Political Leader was to represent the Party, and to deal with State organs from the Party, then one may call a Gauleiter, perhaps a Kreisleiter and to a certain extent an Ortsgruppenleiter may be called Hoheitstrager, but no means the Zellenleiter or Blockleiter may be called a Hoheitstrager.

Q I want to discuss with you now several important points of the act of the prosecution, and I want you to express your opinionas to them. One of these points is a statement by theprosecution that the Corps of Political Leaders had planned or hadjoined conspiracy which was meant to execute a common plan of conspiracy, leading to crimes against peace, crimes against rules and customs of war, and crimes against hupanity. First, a preliminary question. Witness, according to your knowledge of the actual facts, could one speak of a separate organization within the Party, called the Corps of Political Leaders and which should have been formed by the Political Leaders of the Party?

A No. In reality, the Political Leaders did not constitute an organization in itself; that is, a separate one with separate aims, as for instance, the SA or the SS. They were merely officials of an organization, namely, the NSDAP, in itself. Furthermore, they did not volunteer to be Political Leaders, but they were appointed. When a Block or Zellenleiter moved from his district, he stopped being a Political Leader without leaving an organization. Therefore, from a legal point of view the Corps of Political Leaders has never been recognized as a separate organiation. In the so-called Heimtueckgesetz of December 20, 1934, the NSDAP and organizations affiliated with them were separate protected works, such as the SA, the SS, SD and DAF, but the Corps of Political Leaders was not especially protected, because

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these Political Leaders were not an organization for themselves, but were only officials of an organization, namely, the NSDAP.

Q Will you please given an opinion now as to whether theofficials inside the NSDAP took part in a common plan or conspiracy in order to commit or execute such a plan as crimes against peace? Will you give special concern to the Blockleiters and Zellenleiters?

A One has to have an entirely wrong idea of the conditions of Germany of thatperiod, if one was to accuse the Block and Zellenleiters and Political Leaders of their standing or having known of theplan for an aggressive war.

MR. TAYLOR: Dr. Nath, pardon me. Don't you think that this witness is going a little too far in detail with his answers. We are going to have some cross-examinations and the Commission granted only three hours for each witness.

DR. NATH: I'll be through with in thegranted time. I have only a few questions to put to the witness, but I want to just clear those questions entirely.

MR. TAYLOR: I don't want to rush you, but I do want us to stay within that time, if we can.

Q If I have understood you correctly, you say there was no common plan in order to commit crimes, and the Blockand Zellenleiters had no knowledge of such a plan?

A Yes, I'm entirely of this opinion. I think that just against those smaller Political Leaders there can be no reproach of that character.

Q Are you of the same opinion too with regard to the conspiracy?

A Yes, becausd it is a condition for conspiracy that its aims are kept secret, but we have not kept our aims secret and we did not want to execute those aims by force or by false pretenses. If the supreme command had such aims which they wanted to keep secret, those aims were not known to us, and we cannot be made responsible for them.

Q In his basic speech, the American main prosecutor, Justice Jadksnn makes a difference between two parts of the conspiracy, divided by date of January 13, 1933. In thefirst part the conspirators are charged with having in the Party program made a plan of which they are well aware

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that it could only be executed by War. The second part of the conspiracy, they were said to have strengthened their power by crushing the trade unions, fighting the church and exterminating the Jews. After the taking of power of the Nazi party, there is said to have been an official government and a real government. The real government is said to have been out of the law, and above the law, and was based on the leadership corps of the Party. Witness, will you please give us your opinion, as Block and Zellenleiter, as to the allegation of the prosecutor?

A The Block and Zellenleiter cannot be accused of these things. The smaller political leaders were not really leaders, but were merely led. Most of the Blockleiters and Zellenleiters, with few exceptions, only joined the Party after the coming into power. One should make a clear distinction between those newly joined members which have often been called by old Party members in public as "Mazgefallene", and the real leadership corps which consisted of old Party members and higher Party officials. The great majority of the Block and Zellenleiters could not have taken any part in the first part of the conspiracy mentioned by Mr. Justice Jackson in his statement - most of them had entered the Party only after the coming into power and were even before that date often in the enemy camp. In the second part of the conspiracy, the Block and Zellenleiters had no part whatever either in the official government or in the real government. On the contrary, the Blockleiters and Zellenleiters in their great majority belonged to that category of Party members of which the Prosecutor has said that they had come into the hands of criminals and had been used by those criminals. They had no part in the crushing of the trade unions, no part either in the persecution of the church, and no part finally in the extermination of the Jews. On the contrary, those measures were kept secret from them as well as they were from the greatest part of the population and Party members.

Q The following document shows how little the Blockleiters and Zellenleiters were trusted by the Party leaders with respect to their political opinion, which I want to have inserted into the record with permission of the Commission. The document is only very short one and has our number PL-9. I've taken it from regulations form of the NSDAP#4; it deals with an announcement of the year 1940, and deals with the demands of Verordnungsblaff which

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were rules granted by the Government for newly married couples. Announcement #45/1940. The decree of the Reich Ministry of Finance from May 6, 1940 was announced. In this decree one can read the following - in the case of demands for granting Erlass, it is always necessary to get information as to the political security of he demander. Page #2 of the document states that with regard to the certain circle of people it is not necessary to give information as to their political standing. On page #2 the document, you will find a list of such persons for which there was no necessity of a special political certificate. Under #4, Ortsgruppenleiter and Stuetzpunktleiter are mentioned. For them it is sufficient to have a certificate stating that they are Ortsgruppenleiters. One can see from this document that Block-leiters and Zellenleiters did not need a special political certificate for this.

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DR. RUDOLF K THN - Continuing

DIRECT EXAMI. .TION

POLITICAL LEADERS

COMMISSIONER:

George R. Taylor

BY DR. MATH:

Q In your answer which was very explicit you have already answered to a certain number of questions which I intended to put to you. As far as questions on the Party program, the persecution of the church, the crushing of trade unions are concerned. I therefore think that I can consider your answer as sufficient because you have already stated according to your experience as Blockleiter, which you have been from 1933 until 1945, that there was no part taken, and no responsibility of the Blockleiter and Zellenleiter in this regard. Therefore, I want to ask you only one more question dealing with the persecution of the Jews.

You have been a Blockleiter in Berlin. You certainly remember that during the night of November 9th November 10th of 1939, there were pogroms in Berlin during which synagogues have been set on fire, and Jewish shops have been smashed, Jewish citizens have been arrested, and later deported to concentration camps. The prosecution has submitted in this trial documents which prove that this action has been organized by the Gestapo.

Were the political leaders, especially the Block and Zellenleiters previously informed of this action, and did they have orders to take part in this action?

A No, at least not in Berlin, in the District I was in charge of.

Q How have you been informed of the events of that night?

A On the next morning we were as surprised as the whole of the population. We have not approved either these measures, and I remember they talked the matter over with several Blockleiters and we had come to the conclusion that if we had been asked to do so we still would not have taken part in these measures.

Q I have now a final question. One final question. Had the Block and Zellenleiters anything to do with the treatment of foreign workers engaged in work in Germany, and of PG's?

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A No, I had nothing, never anything to do with these matters.

RECESS - 10 MINUTES.

THE COMMISSIONER:

Proceed, now, with the cross-examination of the witness.

COL. GRIFFITH-JONES:

Q I understood you to say that a Blockleiterwas generally recognized in Berlin as a dog who was always running around the staircase - as I understood the expression.

A Yes, the fact is that the Blockleiterwas considered to be a dog which runs up and down a staircase. Yes, sir.

Q Is that because the Blockleiter was always smelling around everybody's house trying to find out what was going on?

A No. Not because of that, but because as a messenger of the Party he had to run up and down the stairs.

Q You told us that they were not trusted even to announce political assemblies.

A Yes. We were expressly prohibited from formulating written invitations.

Q But they were trusted sufficiently, were they not, to assist the Ortsgruppenleiter in forming political judgments on the people in their districts?

A Yes, insofar as factual data were concerned in the reports; the political evaluation itself was up to the Ortsgruppenleiter.

Q What do you mean by factual report?

A These reports concerned themselves with his family situation, his economic situation, and whether he had become noticeable in political respects, in one way or the other.

Q Yes, they were to concern themselves with such things as this, were they not: whether people subscribed to the Voelkischer Beobachter. That was one of the things, was it not -- factual?

A This data were more of a statistical nature.

Q Well, I don't mind whether you call them statistical or factual.

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That was one of the things the Blockleiter was to report, or find out about, was it not?

A Yes.

Q And whether the family possessed the Swastika flag, for the year 1933 Flag Law?

A We could not have made any report regarding that because we did not know.

Q But that was one of the things you were to find out by smelling around, was it not?

A No, we were not supposed to smell out anything. We were to report what we actually knew.

Q Will you look at this Document D-901-A. You see, that was a circular issued by the Gauleiter of Cologne dated January 1941 giving instructions for the filling up of the index cards that had to be kept. Would you look at paragraph 10, second paragraph under that heading. It sets out the material that is to be inquired into. You see, that it is said, that it is to be reported - the Voelkischer Beobachter (?) (this was a certain publication; but it may well be some other name than the one reporter has written here) should be subscribed, whether the family really possessed the Swastika Flag before the 1935 Flag Law. Didn't you have to do that in Berlin just the same as they did that in Cologne?

A If we knew these facts we filled them in. If we did not know them, we put in "unknown".

Q Yes, we will come to that in a moment. Another thing you had to find out was what wireless apparatus was available in the house.

A We did not need to give any information on that in Berlin.

Q What could have been the purpose of the Blockleiters having to find that out in Berlin?

A I cannot give any information on that.

Q Well, now, just look and see what you had to do about finding these things out. You see, it says (looking on at the document; and the witness also looking on at the same document before him), it says it is

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easy to obtain this data by a Blockleiter from the Germans concerned; is that what you were to do - to enter into conversations with Germans in order to find out about their private affairs?

A Regarding the family and economic situation of the citizens we had to inform ourselves and put them into this household index.

Q And that is the method that was to be employed, was it not? Getting into conversation with them, and finding out without letting them know?

A No, we went there and we said that we needed this data for our statistical reports.

Q We will come on to whether it is statistical, in a moment. Let us deal with one thing at a time. And at the present moment I am dealing with the methods employed by Block and Zellenleiters to obtain the information which the Party required.

It was the task of the Blockleiter, was it not, to find out that information by entering into conversations with Germans without their knowledge?

A No. The data for the household dex were given to us in direct conversation with the individuals concerned.

Q Will you look at paragraph 14 of that document? You will see it written there. It is prohibited on

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principle to give Germans and Party members lists or index cards to fill in themselves. Owing to their frequent visits to the individual households the Blockleiters have sufficient opportunity to obtain the required information to be put in the index by means of these conversations with the Germans.

Doesn't that mean that you are to obtain this information by calling on, by frequently calling on them, running up and down their staircases and entering into conversation with them without their knowing the purpose of the conversation?

A I have stated before that in the large cities the relationship between the Blockleiter toward the residents of their block was a very loose one. Thus I had to depend upon my asking the individual concerned himself about it, since I did not know of my own knowledge.

Q Well, now, let's deal with the purpose of these cards. Will you look back to paragraph 12 of these instructions? You see it written there: The political judgment of every German is to be carried out by the Ortsgruppen organizations leiter, in cooperation with competent Block and Zellenleiters, as well as in agreement with the Ortsgruppenleiters. It is not true, is it that the Blockleiter was nothing more than a messenger boy?

A But it is true that the political evaluation was the competency of the Ortsgruppenleiter only, and all we had to do was furnish the necessary data.

Q And you were sufficiently trusted to give your views on it, were you not? The Ortsgruppenleiter has to cooperate with you, informing his political judgment?

A This is the way it was. We did not personally confer with the Ortsgruppen organizations leiter, or the Ortsgruppenleiter, but we received a form which we had to fill in.

Q There was another task, was there not, that the Blockleiters had to perform? And that was to report people who were opposed to the policies of the Nazi Party?

A We did not have to do any informing in that direction, or acting as informer in that direction.

Q Whether or not you had instructions to do so -- Blockleiters, it is an actual fact, did -- did they not?

A I do not know of any such informer activity on the part of the

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Blockleiter and our circles would have rejected that.

Q Well, now, let's take one example -- I think it is attached to that Document, D 901, I think it is in front (speaking to the interpreter, who keeps turning the pages of the document for the benefit of the witness). Will you look at the first letter, which is reproduced on that page, number 1, which you see is a letter from the Ortsgruppenleiter of Darmstadt dated 20 February 1939, which says this is the caretaker of the communal building of the Martin Congregation, Blockleiter Party member Keil informs me that the meetings of the confessional front are again taking place at the Martin Institute, Muellerstrasse, Ortsgruppe Gutenberg, the public being excluded.

Now, on that, first of all. If the Blockleiter is only a messenger boy, what is he doing reporting that meetings of the confessional front are taking place?

A We did not report on any assemblies of the Bekenntnisfront.

Q That is, of course, in Berlin?

A Yes, and in Austria.

Q With your experience I want you to tell me, what concern was it of the Blockleiter whether or not meetings of the confessional Front were taking place?

A In my opinion that was none of the concern of the Blockleiter.

Q Then why should he have been doing it?

A Well, in our circles the Blockleiter did not do such a thing, and I want to point out here that our circles included confessional as well as God-believing Christians, so that they were not fitted for that thing at all.

Q If a Blockleiter does report somebody for being opposed to the Nazi policy, what happens to that person?

A I have never heard of such a general report. There should have been more definite matters, such as somebody may have made some remarks hostile to the State.

Q Well, now what happens if someone makes a remark hostile to the State?

A If somebody does make a remark hostile to the State a penal procedure is taken against him.

Q What do you call the usual penal procedure. Does that mean that the

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SA put them inside a concentration camp?

A No, that means that a State Judicial procedure is taken against him.

Q Let us take this other case which we were considering just now. Wha do you suppose happened -- what would be the normal thing to happen after the Blockleiter Keil had reported that meetings of the confessional front were taking place. Would penal proceedings be taken against the Pastor or whoever was responsible for those meetings?

A On the basis of this report, no, but it may be that he has transgress against the prohibition of meeting law or against other paragraphs of the penal code.

Q Well, now, it says the only complaint is that meetings of the confessional front are again taking place.

(And here the witness examines the document which is still before him

A This missive does not contain anything indicating that the Blockleiter was instructed to supervise meetings, or report them.

Q Well, now, that is not what I asked you. We can deal with that in a moment. I asked you what was going to happen as a result of that report?

A I cannot tell that because it did not happen in our case.

Q Do you think the Gestapo and the SD would be brought in on the matte

A I think that might be possible.

Q That was the normal thing, wasn't it, when church activities were reported as going on, the Gestapo were brought in?

A The Gestapo, anyhow, has to supervise the church activities. But that was none of the affairs of the Political Leiter.

Q Well, now, will you just look down at the second letter, in that Document D 901. You see, it says that the Ortsgruppenleiter is to bring that information in. Do you see there -- that the Ortsgruppenleiter is making a report about the confessional Pastor Strack, saying this gentleman should really be rapped on the knuckles seriously for once?

And then, would you look at the letter which is marked -- "Comments made by the Kreisleiter". Paragraph 2 of that letter, which are his comments on th report he has received on Pastor Strack, and he writes: "I shall request the Ortsgruppenleiter Frick, who originates from Pfungstadt, to go to the Kreisle

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tomorrow and shall get him to name his witness. These will be notified to you and to the Gestapo."

Read on, will you? "The priest Strack is sufficiently well known and ripe for the concentration camp or special court."

What do you mean by coming here and telling this Commission on oath that political leiters had nothing to do with the Gestapo?

A My testimony refers to the Block and Zellenleiters. These documents do now show that the Block and Zellenleiters were commissioned with these method

Q If you look back at that letter, to paragraph 1, which is the Kreisleiter's comments on that report which his Blockleiter made ... and he says that "the SD, the Gestapo and Ortsgruppenleiters will be instructed by me."

Now, will the Ortsgruppenleiter instructed --- do you suppose he is not going to instruct the Blockleiter in the matter?

A The document does not show that the original report emanaged to the Ortsgruppenleiter from the Blockleiter. Whether he has informed the Blockleite I cannot say. I cannot even think so because on the basis of my knowledge neither Block nor Zellenleiters were concerned with that.

Q Let's not waste time on it. So it is quite clear to you? ... Look back on that first document I showed you, and you will see that the Blockleiter is concerned. "The Blockleiter and Party member Keil informs me", says the Ortsgruppenleiter, "that meetings of the confessional front are again taking place."

(And the document is again examined by the witness.)

A This Blockleiter was the house superintendent of the Communion house. He was made report in his capacity as house superintendent -- and less in his capacity as Blockleiter.

Q What difference do you think it makes to the people responsible for that confessional front meeting when the Gestapo is called in to deal with them; what difference do you think it makes as to the official capacity the Blockleiter was acting in at the moment he made his report?

A What I want to say is that it was not the task of the Blockleiters generally to make such reports.

Q I want to ask you about several other matters. Were Jews ever

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persecuted at all in Berlin where you came from?

A Yes.

Q Were foreign laborers employed in Berlin?

A Yes.

Q Were people taken away from Berlin and put into concentration camps?

A Yes.

Q Oranienburg was 35 miles from Berlin?

A Yes, 30 miles or so from Berlin.

Q It was the Blockleiters, was it, or the Zellenleiters, who were performing the essential function in the Nazi party?

A The Block and Zellenleiters had more of an administrative, than a political function.

Q Be it political or administrative, it was an essential function?

A Yes. But it is shown that exactly those special measures which the party is charged with, as destruction of trade unions, persecution of church, extermination of Jews, took place without the participation of the Block and Zellenleiters.

A Yes, but you were playing, were you not -- all you Block and Zellenleiters -- an essential part in support of the Party, who were responsible for the persecution of the Jews, the taking of people and putting them in concentration camps, and in the employment of foreign labor?

A The Party hasnot made use of Block and Zellenleiters particularly in these matters.

COL. GRIFFITH-JONES: No further questions.

COL. ORLOV: No questions.

THE COMMISSIONER: Dr. Nath? Any further questions?

DR. NATH: No further questions.

THE COMMISSIONER: Very well. The witness will be excused.

(Commission recesses until 1400.)

The foregoing is a true and correct transcript of the testimony of DR. RUDOLF KUEHN, taken on 10 July 1946.

BERNIE WINKLER
Reporter
GENEVIEVE BIOLSI
Reporter